

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17-CR-00347-01-DGK
)	
EL JOHNSON,)	
)	
Defendant.)	

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

On November 20, 2017, counsel for Defendant filed a motion pursuant to 18 U.S.C. § 4241 for a determination of the mental competency of the Defendant to stand trial. That motion was granted and, prior to holding a hearing to determine the mental competency of the Defendant, the Court entered its Order pursuant to 18 U.S.C. § 4241(b) directing that a psychological or psychiatric examination of the Defendant be conducted and that a psychological or psychiatric report be filed with the Court pursuant to 18 U.S.C. § 4247(b) and (c).

A competency hearing was held before Magistrate Judge Sarah W. Hays on June 14, 2018. At the hearing, the parties stipulated that the Court could consider the forensic psychological report from Dr. Robin Watkins, forensic psychologist, which concluded that Defendant is competent to proceed at this time. On June 19, 2018, Judge Hays entered a “Report and Recommendation” that Defendant is not currently suffering from a mental disease or defect which would prevent him from understanding the nature and consequences of the proceedings against him or assisting in his defense (Doc. 28). No objection was filed by either party.

After an independent, de novo review of the record and applicable law, the Court

ADOPTS the Report and Recommendation of Judge Hays in its entirety, and finds that

Defendant is competent to stand trial. It is further

ORDERED that, pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(4), the time between June 19, 2018, and the date of this order is excluded in computing the time within which the trial of this criminal action must commence.

IT IS SO ORDERED.

Date: July 9, 2018

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT